

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Seventeenth Judicial District Court, County of Valley

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-016
-vs-)	
)	DECISION
NIKO BENJAMIN ALLEN JONDAHL,)	
)	
Defendant.)	

On September 4, 2018, the Defendant was sentenced to the Montana State Prison for sixty (60) years, with forty-five (45) years suspended, for the offense of Sexual Intercourse Without Consent. He was ordered to complete the educational phase of the prison's sex offender treatment program prior to being eligible for parole. The Defendant was ordered to pay a fine of \$5000 and to pay restitution of \$578.98. The Defendant was designated a Level 1 sex offender. He was granted 56 days credit for time served.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive and should be **DECREASED**. The Division finds that the period of supervision is excessive. **The Division amends the sentence to forty (40) years to the Montana State Prison, with twenty-five (25) years suspended.** The remaining terms and conditions of the sentence imposed are not clearly inadequate or clearly excessive and are affirmed.

Done in open Court this 2nd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson




Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
Niko Benjamin Allen Jondahl #3015510, Defendant (2)
Hon. Yvonne Laird
Brent Getty, Defense Counsel
Dylan Jensen, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division